



State of North Carolina
Department of Justice

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LACY H. THORNBURG
Attorney General

July 7, 1992

Mr. Mark Martin
Legal Counsel to the Governor
Office of the Governor
Administration Building
Raleigh, North Carolina 27603

Dear Mark:

You ask our opinion whether private elementary and secondary school operators may withhold student grades, continued attendance and diplomas from students who fail to pay tuition and other required fees.

It is our opinion that disciplinary action may be taken against students who owe money to the school, including withholding grades, dismissal or refusal to grant a diploma until all monies owed are paid. The only assumption we make is the fact that money is due and unpaid to the school.

A contractual relationship exists between the school and the student and parents of the student. In return for providing an educational opportunity, the private school is to be paid. Failure on the part of the student or parents to fulfill their part of the contract allows the school to protect itself in a variety of ways, including withholding grades, etc.

In Sneed v. Board of Education, 299 NC 609 (1980), our Supreme Court upheld the right of public schools to charge reasonable fees, and made clear that students whose parents were not indigent could be disciplined for failure to pay these fees. Clearly, if this is true as to public schools, it is beyond question that in a private school setting the failure to pay required tuition and fees regardless of the parents' financial situation may result in disciplinary action against the student.

Should you have any further questions, please feel free to contact me.

Very truly yours,

LACY H. THORNBURG
Attorney General

Andrew A. Vanore, Jr.
Chief Deputy Attorney General

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